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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,818	11/14/2001	Bryan Jeffery Moles	SAMS01-00153	5813

7590 06/21/2005  
Docket Clerk  
P.O. Drawer 800889  
Dallas, TX 75380

EXAMINER

PHAM, TUAN

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/992,818	<b>Applicant(s)</b> MOLES ET AL	
	<b>Examiner</b> TUAN A. PHAM	<b>Art Unit</b> 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 10-15, 17-19 and 21-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments, see Applicant's remark, filed on 11/05/04, with respect to the rejection(s) of claim(s) 1-22 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Martinez (Pub. No.: U.S. 2002/0142792).

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of

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35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**3. Claims 1-4, 6-8, 10-15, 17-19, and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ariga (U.S. Patent No.: 6,625,455) in view of Martinez (Pub. No.: U.S. 2002/0142792).**

**Regarding claims 1, 3, 7, 12, 14, and 18,** Ariga teaches a wireless communications system and method, a system for automatically customizing operation of a wireless device comprising (see figure 1A and 1B): a small area transmitter supporting wireless connectivity with wireless devices (see figure 1A, base station 100, building 105, portable telephone 101, col.3, ln.14-28) and a behavior service defining behavior of wireless devices within a service area for the small area transmitter (see figure 1A, col.3, ln.44-63).

It should be noticed that Ariga fails to teach the wireless devices upon detecting the behavior service upon entering the service area automatically sets operation of the wireless device to conform to the behavior defined by the behavior service and associated user preferences, and upon detecting unavailability of the behavior service following previous availability of the behavior service, automatically restores operation of the wireless device to a state existing prior to automatic setting of the operation of the wireless device to conform to the behavior defined by the behavior service and associated user preferences. However, Martinez teaches the wireless devices (see figure 1, mobile 10) upon detecting the behavior service (read on private network) upon entering the service area automatically sets operation of the wireless device to

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conform to the behavior defined by the behavior service and associated user preferences (see figure 1, private network 120, user preference such as vibrate mode, col.2, [0021-0025]), and upon detecting unavailability of the behavior service following previous availability of the behavior service (see figure 1, mobile 10 detected public network 110 after working hours, col.2, [0023-0025]), automatically restores operation of the wireless device to a state existing prior to automatic setting of the operation of the wireless device to conform to the behavior defined by the behavior service and associated user preferences (see figure 1, mobile 10 is detected public network 110 after working hours and the mobile 10 will go back to non working mode, col.2, [0023-0025]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Martinez into view of Ariga in order to automatically selects the user preference as suggested by Martinez at column 1, [0007].

**Regarding claims 2, 4, 8, 13, 15, and 19,** Martinez further teaches the system and method wherein the step of providing a behavior service defining behavior of wireless devices within a service area for the small area transmitter further comprises: transmitting a set of attribute-value pairs (i.e., vibrate) for reception by wireless devices within the service area (see figure 1, col.2, [0021-0025]).

**Regarding claims 6, 10, 17, 21, 23, and 25,** Martinez further teaches the system and method wherein the behavior service becomes unavailable as a result of the wireless device leaving the service area of the small area transmitter

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(see figure 1, mobile 10 is detected public network 110 after working hours and the mobile 10 will go back to non working mode, col.2, [0023-0025]).

**Regarding claims 11, 22, 24, and 26,** Martinez further teaches the system and method wherein the user preferences specify, for each behavior associated with a known attribute within attribute-value pairs received from the small area transmitter, one of automatic acceptance of the behavior, automatic rejection of the behavior, and notification of a user for manual acceptance or rejection of the behavior, wherein the acceptance, rejection, or notification may be conditional or unconditional (see col.2, [0023-0025]).

### **Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan A. Pham** whose telephone number is (571) 272-8097. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (571) 272-2600 FOR THE SUBSTITUTIONS OR COPIES.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information

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for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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June 14, 2005  
Examiner

Tuan Pham

  
CURTIS KUNTZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600